

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

LAURUS TECHNICAL INSTITUTE,)	
)	
Petitioner/Cross-Respondent,)	
)	Nos. 14-1139
)	Nos. 14-1162
vs.)	
)	
NATIONAL LABOR RELATIONS)	
BOARD,)	
)	
Respondent./Cross-Petitioner)	

**LAURUS TECHNICAL INSTITUTE’S RESPONSE TO THE NATIONAL
LABOR RELATIONS BOARD’S MOTION FOR AN EXTENSION OF
TIME TO ACCOMMODATE MEDIATION**

To the Honorable, the Judges of the United States
Court of Appeals for the District of Columbia Circuit:

Respondent/Cross Petitioner Laurus Technical Institute (“Laurus”), by its Counsel, respectfully responds to the National Labor Relation Board’s (“NLRB”) motion for an extension of time. In support of its response, Laurus shows as follows:

1. On September 29, 2014, the Court issued a scheduling order requiring Laurus to file its opening brief by November 10, 2014, and requiring the NLRB to file its answering brief by December 10, 2014.

2. On November 3, 2014, this case was selected for the Court's mediation program and the parties agreed to participate.

3. Laurus filed its opening brief on November 8, 2014.

4. The initial mediation conference is scheduled to take place on December 5, 2014.

5. The NLRB contacted Laurus to seek consent for a forty-day extension to through and including January 21, 2015. In the spirit of good faith, Laurus consented to a 21 day extension.

6. The NLRB has been aware of its current December 10 filing deadline since September 29, 2014. Further, Laurus's initial Petition for Review previewed the precise issues Laurus would be briefing before the Court. Consequently, there is no justification for the NLRB to even need extra time to prepare and file its brief. On the other hand, Laurus is prejudiced by any delay because the NLRB sought after remedy is backpay for the Charging Party. Should Laurus not prevail before this Court it will be further harmed by the NLRB's failure to abide by the Court's briefing schedule.

7. WHEREFORE, Laurus respectfully requests that the Court not grant the NLRB's Motion of Extension of Time, or alternatively, limit it to twenty-one days.

Dated: December 5, 2014.

Respectfully submitted,

/s/ Jeffrey A. Schwartz

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ATTORNEYS FOR

PETITIONER/CROSS-RESPONDENT

LAURUS TECHNICAL INSTITUTE, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of December, 2014, I caused this **LAURUS TECHNICAL INSTITUTE'S RESPONSE TO THE NATIONAL LABOR RELATIONS BOARD'S MOTION FOR AN EXTENSION OF TIME TO ACCOMMODATE MEDIATION** to be filed electronically with the Clerk of the Court using the CM/ECF System, which will send notice of such filing to the following registered CM/ECF users:

Linda Dreeben, Esq.
Jill A. Griffin, Esq.
Ms. Milakshmi Varuni Rajapakse
National Labor Relations Board
1099 14th St., N.W.
Washington, D.C. 20570

And was served by mail, first-class postage prepaid, to:

Gary Shinnars, Executive Secretary
Office of Executive Secretary
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